



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JRE  
Docket No: 5615-99  
5 July 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that her naval record be corrected to show that she was retained on active duty and permitted to accept the findings of the Physical Evaluation Board (PEB) that she be transferred to the Temporary Disability Retired List.

2. The Board, consisting of Ms. Schnittman and Messrs. Ensley and Pauling, reviewed Petitioner's allegations of error and injustice on 23 June 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner was released from active duty on 16 April 1999. During June 1999, the PEB determined that she was unfit for duty because of migraine headaches, rated at 30%. The findings of the PEB were filed without action after the PEB was notified that Petitioner had been released from active duty.

## CONCLUSION:

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action.

## RECOMMENDATION:

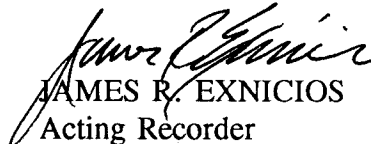
a. That Petitioner's naval record be corrected to show that she was not released from active duty on 16 April 1999; that it be further corrected to show that she was released from active duty on 30 June 1999, and transferred to the Temporary Disability Retired List the following day, pursuant to 10 U.S. Code 1202, with a 30% rating under VA code 8100 for migraine headaches.

b. That Petitioner be accorded a periodic physical examination as soon as practicable.  
Current address: [REDACTED]

c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JAMES R. EXNICIOS  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEIFFER  
Executive Director